

SB 5288-S - DIGEST

(AS OF SENATE 2ND READING 3/09/05)

Requires that, when a law enforcement officer takes a juvenile into custody, the officer must immediately make reasonable attempts to notify a parent, guardian, or custodian that the juvenile is in custody, and where the juvenile is being held.

Provides that when a parent, guardian, or custodian requests to consult with a juvenile in custody and makes himself or herself immediately available, he or she must be permitted to consult with the juvenile immediately upon his or her request, unless: (1) The juvenile objects to the consultation while in the presence of the parent, guardian, or custodian; or

(2) The parent, guardian, or custodian is a codefendant or victim of the juvenile.

Provides that, prior to questioning a juvenile in custody, law enforcement must advise a juvenile of his or her rights in substantially the following language: (1) That the juvenile has a right to remain silent;

(2) That any statement the juvenile makes can be and may be used against the juvenile;

(3) That the juvenile has a right to consult with an attorney and the right to have an attorney present during questioning;

(4) That if the juvenile or his or her family cannot afford to hire an attorney, an attorney will be provided; and

(5) That the juvenile has a right to consult with his or her parent, guardian, or custodian.